

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THOMAS DAVIDSON, et al.,
Plaintiffs,
v.
APPLE, INC.,
Defendant.

Case No. 16-CV-04942-LHK
CASE MANAGEMENT ORDER

Plaintiffs' Attorneys: David Wright, Joseph Sauder, Stephen Larson
Defendant's Attorneys: Diane Sullivan, David Singh

An initial case management conference was held on November 30, 2016. A further case management conference will be held on January 12, 2017 at 12:30 p.m. The parties shall file their supplemental joint case management statement on January 5, 2017.

Plaintiffs shall file by December 2, 2016, a Second Amended Complaint adding the Utah Plaintiffs and one cause of action under Utah law. No other plaintiffs or causes of action shall be added.

The parties shall litigate a total of ten causes of action in the motion to dismiss. Plaintiffs jointly shall select 5 of the 10 causes of action. Defendant shall select the remaining 5 causes of action. The parties shall file a list of their respective 5 claims on December 5, 2016; this need not be a joint filing.

1 If Defendant successfully dismisses all 10 causes of action with prejudice in a first and/or
2 second round motion to dismiss, then the parties may litigate the remaining causes of action in
another motion to dismiss.

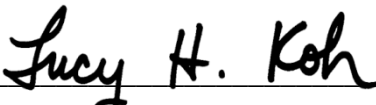
3 However, if some of the original 10 selected causes of action survive the first and/or
4 second round motion to dismiss, the Court is inclined to have those surviving claims litigated
through summary judgment.

5 Defendant shall file a response to the Second Amended Complaint by January 6, 2016.
6 Plaintiff shall file a response by February 3, 2017. Defendant shall file a reply by February 17,
2017.

7
8 Plaintiff shall file by Monday, December 9, 2016, a supplemental brief regarding
Plaintiff's Interim Motion to Appoint Counsel for the Putative Class. The January 12, 2017
9 hearing on that motion shall take place at 12:30 p.m. The Court grants Plaintiff's request to have
attorney Stephen Larson appear telephonically at the hearing.

10 **IT IS SO ORDERED.**

11
12 Dated: November 30, 2016

13 
14 LUCY H. KOH
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28